

## EXHIBIT E

### DESIGN REVIEW GUIDELINES

#### **1.0 INTRODUCTION**

##### **1.1. Purpose.**

VINTAGE CREEK is a single family residential community comprising real property within the City of Norman, Cleveland County, State of Oklahoma. The purpose of the VINTAGE CREEK development is to provide a high quality, aesthetically pleasing residential community, while preserving the natural beauty of the area and enhancing the value of each Owner's investment. These Design Review Guidelines are not intended to be a complete list of all criteria that must be satisfied in connection with construction of improvements. Compliance with these guidelines does not assure approval of any particular designs. Declarant, or ARB as the case may be, reserves the right to approve particular designs which vary from these guidelines.

These architectural guidelines are a mechanism for maintaining and enhancing the overall aesthetics of VINTAGE CREEK; they do not create any duty to any person. Review and approval of any designs may be based on aesthetic considerations only. Declarant, VINTAGE CREEK Property Owners Association, or the ARB shall not bear any responsibility for ensuring the structural integrity or soundness of approved construction or modifications, for ensuring compliance with building codes and other governmental requirements, or for ensuring that every structure is of comparable quality, value, or size, of similar design, or aesthetically pleasing or otherwise acceptable to other owners of property in VINTAGE CREEK. Declarant makes no warranty, express or implied, that the information or guidelines contained herein are suitable for any particular use, and hereby disclaims any liability in connection with the use of this information.

1.2. Scope. The Design Review Guidelines and Architectural Review Board oversight apply to all Modifications, as defined in the Declaration. Modifications include new construction and the alteration of existing construction and Lots. The ARB is not responsible for notice of or ensuring compliance with building codes, structural details, local, state, federal law, or environmental agency compliance. The ARB is not responsible and shall bear no liability for the accuracy of drawings and techniques of construction. The ARB shall bear no liability and is not responsible for workmanship, safety, or quality of construction.

1.3. Amendments. The Architectural Review Board may amend, cancel, add to, modify, or otherwise change these Design Review Guidelines from time to time as necessary in the ARB's sole discretion. The ARB shall send notice of any changes by mail to all Owners prior to implementation of any new design guideline. Such mailing, or failure thereof, shall not relieve each Owner of their obligation to determine applicable design guidelines prior to making any Modification.

#### **2.0 DESIGN REVIEW PROCEDURES**

2.1. Applicability. The Design Review Guidelines apply to all new construction and Modifications, and to all changes, improvements, additions, alterations, placements, decorations, remodels, and enhancements, of any nature or type to any part of any Lot in the VINTAGE CREEK Addition. Every Owner and Builder on any lot in the VINTAGE CREEK Addition, agrees that the Declarant, Association, or ARB may contact the City of Norman Planning Department and inform the City as to whether the ARB has approved of any plans for construction under building permit review and may advise the City of Norman to withhold building permit, or certificate of occupancy issuance until the ARB approval has been granted first.

2.2. Architectural Review Board. Oversight of the DRG is vested in the Architectural Review Board, unless otherwise delegated or assigned to an ARB. The ARB shall upon initial formation consist of the Declarant, and the Declarant shall have sole authority as to all decisions of the ARB for so long as the Declarant owns Lots in VINTAGE CREEK Addition. Thereafter, the ARB shall consist of at least three and no more than five persons appointed by and serving at the Board's discretion. Members of the ARB may include architects or similar professionals who are not Owners. The ARB may adopt detailed application and review procedures and design

standards consistent with the Declaration. All new construction and Modifications shall take place in strict compliance with the Declaration, the Design Review Guidelines, and the application and review procedures promulgated by the ARB. The ARB may establish a review fee schedule applicable to the oversight of administering the DRG.

2.3. Review Standards. As provided in the Documents, the ARB may approve any new construction or Modification only if it deems, in its discretion, that new construction and Modifications conform to and harmonize with the existing surroundings, residences, landscaping, and structures, and meets the requirements for such new construction and Modifications found in the Documents, Design Review Guidelines, and procedures promulgated by the ARB. Design decisions are not based on personal opinion or taste. Judgments of acceptable design are based on the following aspects:

A. Compliance with Documents. All applications are reviewed to confirm that the proposed new construction or Modification is in conformance with the Documents.

B. Relation to Surroundings. All applications are reviewed to confirm that the proposed new construction or Modification is compatible and appropriate with the surrounding built environment.

C. Location and Impact on Neighbors. All applications are reviewed to confirm that the proposed new construction or Modification corresponds favorably to the landscape, the existing structures on the Lot and in the vicinity. Some of the issues of concern are access, drainage, sunlight, views, and ventilation. When new construction or Modification has particular impact upon Lots in the vicinity, the ARB may require the applicant to discuss the proposal with Lot Owners in the vicinity prior to the ARB making a decision on the application. The ARB may also require the submittal of comments from Lot Owners in the vicinity.

D. Scale. All applications are reviewed to confirm that the proposed new construction or Modification relates well to the size and mass of existing structures on Lots in the vicinity.

E. Materials. All applications are reviewed to confirm that the proposed new construction or Modification utilizes materials and colors of the same or compatible nature as were used on existing structures on the Lot or on Lots in the vicinity.

F. Workmanship. All applications are reviewed to confirm that the proposed new construction or Modification would entail workmanship of an equal or better quality than that represented on existing structures on the Lot or on Lots in the vicinity.

G. Timing. All applications are reviewed to confirm that the proposed new construction or Modification may be completed in a timely manner, whether an Owner performs such work themselves or contracts the work to be done.

2.4 Review Process for New Construction and Modifications.

**PRIOR TO COMMENCING ANY NEW CONSTRUCTION OR MODIFICATIONS, AN OWNER SHALL SUBMIT TO THE ARB TWO FULL SETS AND COPIES OF AN APPLICATION, AND ALL REQUIREMENTS AND DOCUMENTS THERETO, FOR APPROVAL IN SUCH FORM AS THE ARB SHALL REQUIRE. AN ACCEPTABLE APPLICATION APPEARS AT EXHIBIT A HERETO. SUCH APPLICATION SHALL INCLUDE PLANS AND SPECIFICATIONS (“PLANS”) SHOWING SITE LAYOUT, GENERAL STRUCTURAL DESIGN, EXTERIOR ELEVATIONS, EXTERIOR MATERIALS AND COLORS, LANDSCAPING, DRAINAGE, IRRIGATION, AND OTHER FEATURES OF PROPOSED CONSTRUCTION, AS APPLICABLE, TO THE EXTENT THE OWNER OR BUILDER HAS SUCH INFORMATION AT THE TIME OF SUBMITTAL. IF SUCH INFORMATION IS NOT AVAILABLE, THEN OWNER OR BUILDER WILL PROVIDE TO ARB AT EARLIEST OPPORTUNITY FOR REVIEW PRIOR TO BEING INSTALLED ON THE LOT. THE**

**ARB MAY REQUIRE THE SUBMISSION OF SUCH ADDITIONAL INFORMATION AS MAY BE REASONABLY NECESSARY TO CONSIDER ANY APPLICATION.**

In reviewing each submission the ARB will consider the application based on the Review Standards above. Decisions may be based on purely aesthetic considerations. Each Owner acknowledges that determinations as to such matters are purely subjective and opinions may vary.

Within fifteen (15) days after receipt of a completed application and all required information, the ARB shall respond in writing to the applicant at the address specified in the application. The ARB may, but shall not be obligated to, specify the reasons for any objections and/or offer suggestions for curing any objections.

In the event that the ARB fails to respond to a properly submitted application in a timely manner, approval shall be deemed to have been given, subject to Declarant's right to veto approval by the ARB pursuant to this Section.

The ARB shall notify Declarant, so long as Declarant owns any Lots in VINTAGE CREEK ADDITION in writing within five (5) business days after the ARB has received any application relating to proposed Modifications. The notice shall be accompanied by a copy of the application and any additional information which the Architectural Review Board may require. Declarant, so long as Declarant owns any Lots in VINTAGE CREEK Addition shall have ten (10) days after receipt of such notice to provide response to ARB.

If construction does not commence on a new construction or Modifications project for which plans have been approved within one year after the date of approval, such approval shall be deemed void and the Owner shall reapply for approval before commencing the proposed Modifications. All new construction or Modifications shall be completed within one year after commencement. Any new construction or Modifications not completed within the required time shall be considered nonconforming and shall be subject to enforcement action by the ARB, the Association, Declarant or any aggrieved Owner.

No approval shall be required to repaint the exterior of a structure in accordance with the originally approved color scheme or to rebuild in accordance with originally approved plans and specifications. Any Owner may remodel, paint or redecorate the interior of a Lot without approval provided such alterations do not affect the aesthetics of the exterior of the Lot as they appear prior to the alteration. Modifications to the interior of screened porches, patios, and similar portions of a Lot visible from outside the structure shall be subject to approval. The requirements of the ARB and Design Review Guidelines shall not apply to the activities of Declarant for so long as Declarant owns any Lots in VINTAGE CREEK addition.

### **3.0 CONSTRUCTION GUIDELINES AND PROCEDURES**

3.1 Construction Drawings. All proposed new construction or Modification requires ARB review, which comes only as a result of a submitted application. The application must include construction drawings of the proposed improvement. Depending on the type of new construction or Modification, the ARB may require less or more construction drawings for a proper application. Construction drawings include, but are not limited to:

- A. Site Plan. A site plan must be submitted with the application and will include:
  - i. Site survey with property lines or a site plan based on the recorded plat;
  - ii. Spot elevations of all improvements relative to the boundaries of the Lot;
  - iii. Landscape plan showing the location and species of all bushes, trees, and ground cover;
  - iv. Building setback lines and easements and location of all building footprints;
  - v. Paving plan of all paved surfaces on Lot;
  - vi. Drainage and grading plan and proposed flow of storm water or run-off;
- B. Floor Plan. A floor plan must be submitted that details habitable square footage per floor and total and all spaces as planned.
- C. Roof Plan. A roof plan must be submitted with roof pitch shown.

- D. Elevation Drawings. Elevation drawings must include all exterior elevations, exterior finishes of materials, roof pitch, window and door designs, screening of utilities and equipment
- E. Color and Materials Specifications. Color and materials specification to be used must be identified in the application. If requested by the ARB, samples of both color and materials are to be submitted to the ARB in a form provided by the ARB in their request.
- F. Detail Drawings. Detail drawings as requested by the ARB.
- G. Exterior lighting plans.

All such information shall be provide to the extent the Owner or builder has such information at the time of submittal. If such information is not available at such time, then Owner or Builder will provide to ARB at earliest opportunity for review prior to being installed on the Lot. Any plans or applications altered in any manner from plans or applications initially reviewed by the ARB shall be re-submitted to the ARB for review.

### 3.2 Construction Guidelines.

A. Construction Commencement. Site clearing or construction on any property within VINTAGE CREEK is not permitted without first submitting application and obtaining final approval from the ARB.

B. Trash Receptacles. Each building site must have provisions for a trash receptacle, or other approved methods, for construction debris and all such construction debris is to be emptied or removed from the site regularly and when any containers are full.

C. Portable Toilets. Clean and sanitary conditions are required for all toilets. When and where appropriate and with approval of the ARB, contractors may coordinate sharing of portable toilets. In all respects, the ARB will seek to lessen the aesthetic impact and total number of portable toilets in VINTAGE CREEK during construction.

D. Nuisances. No loud speakers are permitted on building sites. Inappropriate volume levels on radios, stereos, etc. will not be permitted. Pets are not allowed on building sites.

E. Erosion Control. Each owner shall be responsible for the installation and maintenance of all necessary erosion control devices and shall at all times keep erosion control devices in good working order. Any failure of erosion control devices and subsequent clean-up shall be the responsibility of the owner.

F. Repair to Damaged Property. Damage to other property, including, but not limited to, open space, other Lots, roads, driveways, sidewalks and/or other improvements whether surface or subsurface will not be permitted. If any such damage occurs, it shall be repaired and/or restored promptly at the expense of the person causing the damage. Upon completion of construction, each contractor shall clean the construction site and repair all property which was damaged.

**4.0 Design Standards.** The following list of design standards is not an exhaustive or exclusive list of items subject to ARB review.

4.1 Orientation. The ARB may require construction on Lots to conform to a particular orientation as determined by the ARB. As a general rule, the main front facade of the primary residence structure is to face the street running parallel to the front building line.

4.2 Building size and set back requirements. The minimum square footage of the primary residence structure shall be no less than 2,200 gross square feet of conditioned enclosed interior space, exclusive of basements, open porches, and garages for all lots west of the Pedestrian Easement and the Modified Stream Planning Corridor as depicted on EXHIBIT A of the Declaration. The minimum square footage for all lots east of the Pedestrian Easement and the Modified Stream Planning Corridor as depicted on EXHIBIT A of the Declaration shall be no less than 1,500 gross square feet of conditioned enclosed interior space, exclusive of basements, open porches,

and garages. All square footage requirements must be approved by the ARB and are subject to adjustments notwithstanding the above requirements. Front yard, rear yard, and side yard setbacks must conform to City of Norman ordinance as is applicable to the VINTAGE CREEK, and must receive prior approval from the ARB. The Front Yard building setback shall be a minimum of twenty (20) feet from the right of way. The maximum height for a structure must not exceed City ordinance standards and must receive prior approval from the ARB.

4.3 Foundation non-exposed. Unless otherwise approved by the ARB, all foundations shall not be exposed to sight, meaning the exterior finish material face of the primary residence structure shall extend to, and below, the ground surface.

4.4 Material. All exposed materials for the exterior of any structure, and all aspects thereof, on any Lot shall be approved by the ARB prior to construction. Masonry and stone materials shall comprise at least seventy-five percent (75%) of the exterior exposed surface area of the walls of the structures on each Lot. Faux Stone materials may be used so long as first approved by the ARB.

4.5 Roofs. All roofing material shall have a 40 year minimum life. All roofs shall be completed using materials and colors that have been approved in writing by the ARB. The roofs must have a minimum pitch slope of 8 to 12 on all surfaces, or lesser slope if approved by the ARB. Any deviation from the above must receive ARB approval prior to installation.

4.6 Roof Accessories and Equipment. ARB approval is required for all rooftop equipment and accessories, including but not limited to skylights and solar equipment. All rooftop equipment must match roofing colors and must be placed in a manner that is least noticeable from the street frontage. Exposed flashing, gutters and downspouts must be painted to match the fascia and siding of the structure unless otherwise approved by ARB. Security cameras and other electronic devices must be architecturally concealed and unseen from any public street or adjacent Lot unless approved by the ARB.

4.7 Interior Design Elements. Residences shall have installed at least moderate to high-end finish materials inside the primary residence structure.

4.8 Air conditioners and fans. Window unit air conditioners and fans are forbidden on any Lot.

4.9 Awnings. Cloth awnings are prohibited unless specifically approved by ARB.

4.10 Yard Decorations. Yard decorations, birdfeeders, and other garden ornaments are only allowed in private backyards below the top of the fence line.

4.11 Chimneys. All chimneys must have exterior appearance of masonry, stone, or stucco.

4.12 Clotheslines. Clotheslines and outdoor drying of clothes and laundry is prohibited.

4.13 Decks. Decks may be constructed in the back yard of a Lot with prior ARB approval. Decks must be constructed of wood or other materials similar to the materials used on the residence, must be painted or stained substantially similar to the residence.

4.14 Dog Houses. Any dog house shall be located in the back yard of a Lot and shall not be visible from the street or from any neighboring Lot. Dog runs and kennels are not permitted.

4.15 Drainage. All drainage shall conform to City ordinance and the VINTAGE CREEK development drainage plan.

4.16 Driveways and Sidewalks. The Declarant and Builders have installed standard concrete driveways and sidewalks. Any modification to these must receive prior ARB approval and must meet City ordinance. No

driveway or sidewalk visible from any street, any Lot, or the Common Areas shall be painted, stained, stamped, or otherwise colored or decorated without prior ARB approval.

4.17 Fences. No fence shall be installed on the front portion of any Lot in VINTAGE CREEK between the front lot line and the front building setback line or the front face of the primary residence structure. All fencing as seen from any vehicular street (private or public) or Common Area shall be of:

- A. minimum six (6) foot in height with flat top cedar cap and trim rail on all sides of every yard (excluding only the lake side lots where aluminum/iron materials shall be used per the ARB approval);
- B. steel heavy duty posts on side facing away from vehicular streets and away from any Common Area;
- C. 1x6 cedar slats or pickets with heavy duty cross rails;
- D. uniform color, stained to a color specified by the ARB.

No fencing may be painted. All fencing color and style must be uniform in the Addition, as reviewed and approved by the ARB. Masonry and stone columns and bases may be included subject to ARB approval. All corner treatments, and all connections and transitions abutting other structures shall be submitted with details for review by the ARB. In the event that fencing that adjoins the Common Area, or that abuts any public or Common Area private streets, becomes dilapidated and in need of maintenance or replacement or repair, such fencing may be maintained or repaired or replaced by the VINTAGE CREEK POA, with costs charged to the Owner of the Lot abutting such fencing. The POA shall at all times and with reasonable notification, have a perpetual easement to enter upon individual Lot owner's property for the purpose of maintenance or replacement of said fencing.

As to fencing along boundaries that abut the Common Area open spaces, such fencing shall be open style, and constructed of aluminum metal tube material. All such fencing shall be of common uniform design and product, which shall be determined by the ARB and mandated as to all aspects of design and placement.

4.18 Firewood Storage. Such storage shall only occur in the backyard of a Lot, and shall not be visible from any other Lot or public street, and shall not constitute a nuisance or hazard or breach of the Documents.

4.19 Flags and Flagpoles; Decorations. One flag pole is permitted provided it does not exceed 20 feet in height and receives prior ARB approval. Only flags referenced in the United States Flag Code may be displayed, provided such are displayed in the manner as provided within such Flag Code. Seasonal decorations shall be removed within a reasonable time after the end of such holiday or season, and all such displays shall be subject to the Rules and Regulations of the POA as amended from time to time. No wind generators, windmills, transmission poles, or any other tower elements are allowed on any Lot.

4.20 Foundations. All foundations shall be as approved by City of Norman and by licensed engineer as is required by City of Norman in order to verify that foundations is of type necessary in VINTAGE CREEK Addition as to soil conditions in VINTAGE CREEK.

4.21 Garages and Garage Doors. Each Lot shall have a three (3) car or two (2) car garage. ARB approval may require swing-in or side entry garages on Lots that might reasonably accommodate such construction, if any. For garages constructed to house 3 or more vehicles, ARB approval will encourage only one double door or two single doors to face the street. The ARB may, in its discretion, deny an application based on the ARB's opinion that the number, size, color, or construction of garage doors visible from a street fails to meet the VINTAGE CREEK Documents or because such garage represents the dominant architectural feature on the Lot. All garage doors visible from the public street shall be decorative carriage style panel in design. No garage conversions shall be allowed anywhere on any lot.

4.22 Gardens. Vegetable gardens are not permitted in locations where such are visible from any public street or from adjoining Lots, or from Common Areas. No vegetables shall exceed the height of any fence on the Lot, and must be wholly contained within the back yard of the Lot.

4.23 Irrigation Systems. Must receive prior ARB approval and shall not interfere with the development drainage plan, any Lot, or Common Areas. Irrigation systems shall not spray into public sidewalks or streets and shall not spray into adjacent Lots or Common Areas.

4.24 Lights and Lighting. All exterior lighting shall receive prior ARB approval.

4.25 Mailboxes. All mailboxes shall be of common uniform design and product, which shall be determined by the ARB and mandated as to all aspects of design and placement. All address numbers shall be of uniform design and color, as determined by the ARB.

4.26 Motion Detector & Security Lighting. Motion detectors and security lights are permitted with prior ARB approval. Under no circumstance shall security lighting, spot lights, flood lights, or other high level lighting shine on any adjoining Lot or Common Areas or public street.

4.27 Outbuildings; Pool Houses, Gazebos. No outbuildings shall be permitted on any Lot adjoining a Common Area where such outbuilding would be visible from the Common Area. Any structure not the single residence constructed on a Lot shall receive prior ARB approval. Metal outbuildings are strictly forbidden. Outbuildings taller than 6 foot at the peak of its roof are permitted subject to ARB review and approval and provided such outbuilding is of the same style, material, as the primary residence structure. All outbuilding roofs must be shingled with the same shingles as installed on the Primary residence structure. The colors of the outbuilding shall be of one color and shall match the trim color on the Primary residence structure. All outbuildings shall be located outside of the City building setbacks and outside of all utility and drainage easements. Each outbuilding shall be properly permitted as required by City ordinance. No outbuilding or structure shall be constructed or located between dwellings constructed on Lots.

4.28 Outdoor Furniture. Except with prior ARB approval, all outdoor furniture shall be contained wholly within the back yard of a Lot and not visible from any public street, other Lot, or Common Area.

4.29 Painting. Initial paint colors shall be neutral unless otherwise approved. Prior ARB approval is required for all painting, including but not limited to structures and garages, of a color other than originally installed by the Declarant or Builder.

4.30 Patios, Patio Covers, Porches, Arbors. All patios, porches and the like must receive prior ARB approval. Metal sunrooms or porches will not be approved.

4.31 Play and Sports Equipment. Play and sports items and equipment are not permitted on any Lot adjoining Common Area where such items and equipment, would be visible from the Common Area. All play and sports items and equipment must be wholly contained in the backyard to a Lot and may be no higher than 6 feet tall, unless approved by ARB. Basketball backboards and hoops, soccer goals, and all other sports or recreational equipment, may not be affixed to any portion of the Lot. Portable basketball backboards and hoops may be used in the front yard of a Lot during daylight hours between the hours of 9:00AM and 9:00PM, but shall be moved and stored out of sight at all other times. Skateboard ramps are not allowed anywhere in the VINTAGE CREEK Addition. Trampolines and enclosures are only permitted in the screened back yards of Lots and may not be visible from any adjacent Lot or public street.

4.32 Pools. Small, temporary children's-style pools are permitted provided such pools are contained in the backyard of the Lot, are not visible from any public street or other Lot, and are emptied when not in use. Above-ground pools are not permitted on any Lot. In ground pools are permitted with prior ARB approval. Complete

designs of all in ground pools must be submitted for prior approval by ARB. No pool may be built within utility easement areas.

4.33 Roofs. All structures shall have shingled roofs of the same color and material as that installed on the primary residence structure.

4.34 Satellite Dishes and Antennas. No exterior radio antenna, television antenna, or other antenna, satellite dish or audio or visual reception device of any type shall be placed, erected or maintained on any Lot in allocation that can be seen from a public street, or from another Lot.

4.35 Siding. Any siding must be of minimal use and must receive prior ARB approval as to all aspects.

4.36 Signs: Subject to the restriction that no sign shall be located within any Common Area, and except as reserved by the Declarant, the following sign standards shall apply.

A. Real Estate Signs: Temporary, non-illuminated, real estate signs indicating the availability for sale of a specific Lot upon which the sign is erected or displayed are approved without application, provided the sign does not exceed five (5) square feet in total area, does not exceed four feet (4') in height, and the Lot is restricted to one (1) sign per Lot. Such signs are to be removed immediately following sale closing of the property. Such signs may not be placed on any fence. Open House signs shall conform to the above dimensions, are limited in number to six (6), shall be placed only upon the owner's Lot or within the public right-of-way for the duration of the open house. All signs must also meet local sign codes. Absolutely no "for rent" or "for lease" signs are allowed to be placed on any Lot.

B. Garage Sale Signs: A sign advertising the existence of a garage sale of personal property may indicate the date, time and location of the sale. Such signs may have a maximum area of three (3) square feet, and may be posted for the time period of the garage sale only. Such signs shall be posted only on the owner's Lot or within the public right-of-way.

C. Political Signs. Signs depicting the name and office of a legitimate political candidate who has filed for a present political race are allowed, provided such signs do not exceed a maximum area of three square feet. Such signs shall be removed the day after elections pertaining to the candidate's race. All signs depicting political slogans and information other than the candidate's name and office shall receive prior ARB approval.

D. Other Signs. All other signs are not permissible for posting on any Lot without the prior written consent of the ARB.

4.37 Statues, Sculptures, Fountains, Ponds. Placement of any statue, sculpture, fountain, pond, or similar artistic expression in the front yard of any Lot or the front and backyard of any Lot adjoining the Common Areas is not allowed unless with prior ARB approval. All other locations of artistic expressions visible from other Lots or requiring any excavation must receive prior ARB approval.

4.38 Doors; Windows. All door, window, storm and security doors, shutters, window treatments visible from the exterior of the residence, and all designs of such must be approved by the ARB. Windows that become fogged in appearance, and windows and doors that become in appearance of disrepair must be replaced with new windows upon notice from the ARB or Association.

4.39 Temporary Structures. Temporary structures suitable for celebrations, such as a wedding, birthday party, and similar occasions are permitted in the backyard to any Lot provided such temporary structure is removed within 24 hours of the conclusion of the occasion. This design standard shall not limit Association activities in Common Areas.



4.40 Trash, Garbage, and recycling Receptacles. Trash, recycling, and other receptacles shall be absent from view from any street, any Lot and Common Areas on all days other than designated trash and/or recycling pick up days. All such polycarts and recycling bins must only be put out on the morning of pickup, or after dark on the evening before pickup, and must be removed by end of the day of pickup. No more than three trash receptacles, as provided by the City of Norman, or other trash cans or bins, shall be allowed to be kept on any Lot as can be seen in any way from the public street right of way or abutting Lots.

4.41 Tree houses. Tree houses and other play structures are prohibited to the extent they can be seen from public streets or adjacent Lots, unless all aspects of design and placement of such structures are approved by ARB.

4.42 Walls. All walls of any nature, for example but not limitation retaining walls, landscaping walls, and decorative walls, must receive prior ARB approval.

4.43 Utilities. All utilities shall be located subgrade and shall not be visible from any public street or any adjacent Lot as all such utilities shall be adequately screened.

## **5.0 Landscaping Standards**

5.1. Overview. The ARB retains oversight of landscaping improvements to Lots to make assurance that the VINTAGE CREEK community will continue to be an attractive and pleasant place to reside. The landscape plan will be required for review at the same time the initial site plan is reviewed. The landscaping work shall be completed within nine (9) months of start of vertical construction or within two (2) months of the issuance of the Certificate of Occupancy for the improvements.

5.2. Criteria. All Lots, after construction, require landscaping. All landscaping shall be prepared and submitted for ARB review by a professional supplier of landscaping or landscape designer. Landscaping shall be designed in a manner to accentuate the high-end appearance of the VINTAGE CREEK Addition and shall be installed in substantial amounts on each Lot, all subject to ARB review, including review of the quality and quantity of landscaping to determine if the quality and quantity provided are sufficient for the VINTAGE CREEK Addition. Landscaping should be provided in an amount not less than \$2,500, exclusive of costs of sod and irrigation, as purchased from a landscape provider in the local market. The required threshold amount of \$2,500 may be annually increased by the Developer or ARB in an amount to account for inflationary increases over time. Screening landscaping shall be placed additionally at all locations of exterior HVAC equipment, electrical equipment, telephone, electric, and other installations. Landscaping shall not interfere with drainage across and the through the Lots. Drought tolerant species are encouraged for conservation of water and better life expectancy of landscaping in drought conditions. Landscaping should not be placed in any manner that inhibits vehicular sight lines and travel through the VINTAGE CREEK Addition. All front must be sodded and irrigated with a sod material approved by the ARB. No gravel or other non-vegetated material shall be used as the primary surface material for the front or side yard lawns, or in any location that can be seen from the front street right of way.

### **5.3 Plans to Submit for Review.**

A. Landscaping. The landscaping plan must be professionally prepared on a site plan indicating topography, existing and proposed vegetation. The plan should graphically illustrate location, Lot number, adjoining Lot border lines, nearest structure lines on adjoining Lots, sizes of plant material, lawn, mulched areas, and open areas. A schedule must be included on the planting plan indicating the following specifications for each plant: common name, plant height at time of planting, plant quantities, identify grass and mulched areas.

B. Identify Trees. Existing trees of 3" diameter or greater at 48" from the ground must be identified as to exact location, size of trunk, and species name. No existing trees shall be cut, removed, transplanted or damaged without approval by ARB.

C. Features and Surface. All existing site features such as roads, walks, structures on adjoining Lots, bike paths, walls, retaining walls, etc. are to be graphically noted on the landscape site plan. All surfacing materials are to be noted (as to whether they are concrete, grass, planting beds, etc.). Texturing or other surface treatment of concrete paving is to be indicated and should include color selections.

D. Tree and Bush Requirement. Trees and shrubs must be planted in accordance with the approved plan. Prior to occupancy for new construction, one (1) tree, no less than three (3) inches in caliper diameter shall be planted within the front yard a distance far enough away from the primary structures so as to not damage the structures at full maturity, and shall be of a species as approved by the ARB. Comer Lots shall plant two (2) trees no less than three (3) inches in caliper diameter in same manner. No Bradford Pear trees or any other tree to be considered a nuisance species tree shall be allowed for planting on any Lot. In addition to the required number of trees, each Lot shall feature a reasonable number of bushes to be planted in appropriate locations. Should any tree fail to survive, the Owner shall be required to replace such tree. The "front yard" as it is referred to in regards to landscaping requirements shall be considered all areas of the Lot that are from the street frontage right of way extending back to the rear side corners of the main dwelling structure.

5.4 Irrigation. Each Lot shall be irrigated by a subsurface irrigation system. Should any Lot have any form of irrigation system installed to irrigate planting beds or grassed areas of the Lot, the spray from such irrigation system should be contained to the Lot. The ARB may require relocation or redirection of spray if adjacent Lots, streets or other areas are affected.

**EXHIBIT A**  
**TO DESIGN REVIEW GUIDELINES**

**VINTAGE CREEK POA**  
**Architectural Review Board (“ARB”) Application**  
**(Allow at least fifteen (15) days for application review and response.)**

Check applicable:

- New Application  
 Revised and resubmitted Application

Date submitted and delivered to ARB: \_\_\_\_\_

Homeowner Names: \_\_\_\_\_  
Lot Address: \_\_\_\_\_  
Home Phone: \_\_\_\_\_  
Cell Phones: \_\_\_\_\_  
Email Addresses: \_\_\_\_\_

Please attach all REQUIRED submittal items, and briefly describe below all work and Modifications planned to be done on your property (landscaping, pavement, painting, roofing, fencing, additions, masonry, doors, windows, play structures, sheds, pools, mechanical, gutters, etc., everything that in any way will be seen anywhere on the exterior of the house and property):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please review the Covenants that affect your property before submitting this application. The covenants can be provided through VINTAGE CREEK POA and are as you received at closing.

**Application Requirements**

Prior to the commencement of any action that might fall under the review requirements of the ARB, such as put forth, the Owner of the Lot proposing such action shall submit a copy of a detailed application for approval to each member of the ARB, in care of **VINTAGE CREEK, LLC at 221 48<sup>th</sup> Ave. NW, Norman, OK, 73072**, which shall include extensive and detailed information that substantially informs each member of the ARB of all aspects of the proposed action on the Lot, and requesting approval of the ARB for consent to such action. At a minimum, all of the following information must be submitted for review to the ARB before the ARB shall have any obligation to begin a review of any proposed work on any lot, and before the response time of the ARB begins to toll:

- Detailed architectural plans, specifications, and construction documents, including but not limited to all site plans, landscaping and fencing plans, , floor plans, roof plans, pavement plans, exterior elevations, and building sections, showing sufficient detail and information of all proposed items to be located on each Lot for the ARB to make an informed decision about the quality and quantity of all items in the proposal;
- Material selections and manufacturer cut sheets of all materials to be included on all exterior improvements on each Lot;

- Actual finish texture and color samples of all exterior materials and products to be located on each Lot;
- A description of proposed uses on each Lot in sufficient detail to review whether such uses are permitted under the terms of the existing zoning ordinances and these covenants;
- Any other information as may be required by the ARB in order to fully understand the details of the proposed improvements to each Lot in the Addition.
- Payment of ARB review Fee as determined and charged by ARB.

**This Space Below for Architectural Review Board Use ONLY**

The above submittal has hereby been:

- Not reviewed due to submittal requirements not being met
- Approved
- Rejected
- Approved as noted
- Revise and Resubmit

Remarks and Comments:

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ARB Signature _____	Date _____
ARB Signature _____	Date _____
ARB Signature _____	Date _____

## NOTICE

If the Owner applicant has submitted ALL of the required information, and if the ARB, or its designated representative(s), fails to approve or disapprove, or fails to request further information from the applicant as may be needed to come to a decision, within thirty (30) days of the ARB receiving the review submittal from the applicant Lot Owner, then any such plans and specifications submitted to the ARB (so long as all above required items were submitted and such plans were of such detail and quality as to provide the ARB with complete and detailed accurate information), shall be deemed automatically approved. Construction or alterations in accordance with plans and specifications approved by the ARB shall be commenced within twelve (12) months following the date upon which the same are approved by the ARB (whether by affirmative action or by forbearance from action), and shall be substantially completed within twelve (12) months following the date of commencement, or within such longer period as the ARB shall specify. In the event construction is not commenced within the period aforesaid, then approval of the plans and specifications by the ARB shall be conclusively deemed to have lapsed, and compliance with the provisions of this section shall again be required. There shall be no deviations from plans and specifications approved by the ARB without the prior consent in writing of the ARB. Approval for use on any Lot of any particular plans and specifications or design shall not be construed as a waiver of the right of the ARB to disapprove such plans and specifications, or any areas or features thereof, in the event such plans and specifications are subsequently submitted for use upon any other lot or lots. The ARB reserves the right to amend the specific building requirements, or to grant written waivers to such provisions.

**EVERY LOT OWNER IS HEREBY ON NOTICE THAT A LOT OWNER PROCEEDS ENTIRELY AT THEIR OWN RISK IF THEY BEGIN IMPROVEMENTS, ALTERATION, CONSTRUCTION, REMODELING, OR WORK OF ANY KIND ON ANY LOT IN THE ADDITION WITHOUT FIRST RECEIVING WRITTEN APPROVAL FROM THE ARCHITECTURAL ARB – WHICH CANNOT HAPPEN UNTIL ALL SUBMITTAL ITEMS HAVE BEEN PROVIDED TO THE ARB. VERBAL APPROVAL FROM THE ARB OR ANY MEMBER OF THE ARB, OR FROM THE POA, IS NOT A VALID APPROVAL. IN THE EVENT THAT AN OWNER PROCEEDS WITH IMPROVEMENTS WITHOUT PRIOR WRITTEN APPROVAL FROM THE ARB, AND THE ARB LATER DETERMINES IN THE ARB’S DISCRETION THAT SUCH IMPROVEMENTS DO NOT MERIT APPROVAL, THEN THE ARB MAY REQUIRE THE LOT OWNER TO REMOVE ALL SUCH IMPROVEMENTS AT THE LOT OWNER’S SOLE EXPENSE, OR THE ARB, DECLARANT, OR ASSOCIATION MAY ENTER UPON THE DEFAULTING LOT OWNER’S PROPERTY AND HAVE THE IMPROVEMENTS REMOVED, WITH THE COST OF SUCH REMOVAL TO BE FILED AS A LIEN AGAINST THE LOT OWNER’S PROPERTY.**